

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

WEDNESDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND FIFTEEN

PRESENT
THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

Crl.RC.MP.No.1753/2015 in Crl.RC No.906/2007

&

CRIMINAL REVISION CASE No.906 of 2007

Between:

B.Sudha Rani

..... PETITIONER/ACCUSED

AND

The State of Telangana, rep.by its
Public Prosecutor, High Court,
Hyderabad and another

.....RESPONDENTS

The Court made the following:

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

Crl.RC.MP.No.1753/2015 in Crl.RC No.906/2007

&

CRIMINAL REVISION CASE No.906 of 2007

ORDER:

This Criminal Revision Case is directed against the judgment in Crl.A.No.408/2006, dated 25.06.2007 on the file of the IV Additional Metropolitan Sessions Judge, Hyderabad, by and under which, the conviction and sentence as imposed by the trial Court was confirmed.

2. By judgment dated 06.11.2006, the learned II Additional Chief

Metropolitan Magistrate, Hyderabad, in C.C.No.485/2005, convicted the petitioner/accused for the offence under Section 138 of Negotiable Instruments Act and sentenced her to suffer simple imprisonment for 4 (four) months and to pay a fine of Rs.3,000/- in default, to suffer simple imprisonment for one week.

3. The 2nd respondent/*de facto* complainant and her counsel are present. The petitioner/accused and her counsel are also present. Both parties had submitted that they have entered into a compromise and settled the matter out of court. It is further submitted that as the accused has been convicted under the provisions of the Negotiable Instruments Act, as held by the Apex Court in ***Damodar S. Prabhu v. Sayed Babalal H***^[1] and as directed by this Court, the petitioner/accused paid 5% of the cheque amount i.e Rs.12,500/- (Rupees twelve thousand and five hundred only) by way of demand draft, bearing No.137927, dated 08.07.2015 to the credit of the High Court Legal Services Committee, Hyderabad and therefore, both parties pray to permit the parties to compound the case and compromise the matter.

4. In view of the settlement arrived at between the parties no purpose would be served in keeping the proceedings pending. In that view of the matter, permission is hereby accorded and the compromise is recorded following the decision of the Apex Court in ***Gian Singh v. State of Punjab and another***^[2].

5. Consequently, the judgment of the appellate Court dated 25.06.2007 in CrI.A.No.408 of 2006 as well as the judgment of the trial Court dated 06.11.2006 in C.C.No.485 of 2005 are set aside and the petitioner/accused is acquitted of the offence for which she was found guilty and convicted. The bail bonds of the petitioner/accused shall stand cancelled. The fine amount, if any paid, shall be refunded to the petitioner/accused.

The CrI.RC.MP.No.1753/2015 and CrI.RC.No.906/2007 are accordingly allowed.

Pending miscellaneous applications, if any, shall stand closed in consequence.

M.S.K.JAISWAL,J

Date: 08.07.2015
Dsr

[\[1\]](#) (2010) 5 SCC 663 + 2010 Law Suit (SC) 406

[\[2\]](#) (2012) 10 SCC 303